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MONTANA LEGISLATIVE COUNCIL

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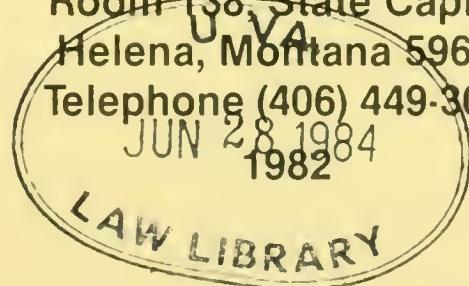
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**Montana Legislative Council
Sources of Information and Publications**

**Compiled By
Sally Halverson
Librarian**

**Published by
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Room 138, State Capitol
Helena, Montana 59620
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PREFACE

The Montana Legislative Council provides information resources for legislators and other interested persons both during and after a legislative session. These resources are designed to help people locate legislation, vote totals, committee testimony, and codified statutes. Such tools include the telephone directory; bill status reports from drafting to final vote; subject indexes of proposed legislation; lists of code sections which could be affected by passage of legislation, etc.

This brochure provides a brief introduction to the various sources of information published by the Montana Legislative Council.

During the legislative session, the Public Information Office is open to help people with questions. This office is located in the rotunda of the capitol and a toll-free number, 1-800-332-3408, is provided for out-of-town inquiry. The office provides access to computer terminals which contain the latest information on introduced bills. Persons should utilize the Public Information Office whenever possible during the session.

For more information on any part of this brochure, contact the Montana Legislative Council, Room 138, State Capitol, Helena, Montana 59620.

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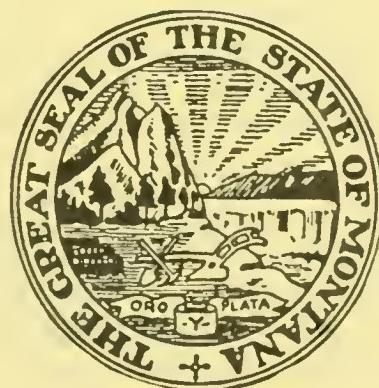
INTRODUCTION TO THE MONTANA LEGISLATIVE COUNCIL

The functions of the Legislative Council are described in this brochure. Included are legislative membership, current council personnel, and a bibliography of all council research studies (1957-1981). Rules or procedure, a list of former Chairmen and Vice-Chairmen, and interim operations are also detailed.

This publication is free and available from the Legislative Council.

An Introduction to

THE MONTANA LEGISLATIVE COUNCIL



1981-1983

SAMPLE

RULES OF THE MONTANA LEGISLATURE

The Joint Rules, Senate Rules, House Rules, and an index to those rules are printed along with the Montana Constitution and its index in the Rules of the Montana Legislature. This book also gives a brief listing of deadlines and time limitations for the session with the corresponding rule number.

JOINT RULES

CHAPTER 2 Meetings, Quorums and Attendance

2-1. The hour of meeting of the Senate and House of Representatives may be as ordered by the Senate or House.

2-2. Lobbying on the floor of the Senate or House of Representatives is prohibited during the session and within one hour prior to the commencement of a session and within one-half hour after recess or adjournment.

2-3. The sessions of the legislature and of the Committee of the whole, all committee meetings, and all hearings shall be open to the public (Montana Constitution, Art. V, Sec. 10(3)).

2-4. Neither house shall, without the consent of the other, adjourn or recess for more than three days, nor to any other place than that in which the two houses shall be sitting (Montana Constitution, Art. V, Sec. 10(5)).

2-5. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such

TELEPHONE DIRECTORY

The Telephone Directory is published every session and is a very valuable pocket-sized information source. It contains the names of Senate and House members along with their political affiliation, district number, home address, Helena address, spouse's name, business occupation, and committee assignments. Also included in the directory are state officials and agencies; legislative committee meeting dates, with time and place; seating charts; order of business, and maps.

This directory is free and is available from the Public Information Office and the Legislative Council.

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BILL DRAFTING MANUAL

The Bill Drafting Manual provides drafters with a set of uniform standards and instructions for bill drafting. It also includes suggestions on the mechanics, style, and technique of drafting to make the process more trouble-free. Sample bills and resolutions, plus a bill drafter checklist, are included.

This publication is free and available from the Legislative Council.

No one can tell the drafter when enough research is done. The drafter must determine when to stop gathering information and start writing. Judgment must be exercised to avoid wasting time in endless pursuit of unnecessary information.

Organization

Organize the information at hand. Develop an outline that places the elements of the problem in a logical pattern. A bill for only a simple amendment to existing law will present no organizational problem. A major new body of law will require considerable effort to guarantee clarity. Some bill parts are so common that their placement in a bill has been standardized. A drafter must be familiar with the standard bill format discussed in Chapter 4 of this manual before he begins to organize his bill.

Begin to draft the bill when the work is outlined. Rewrite the bill as often as is necessary to achieve clarity, coherence, and unity. Revise the organization of the bill if revision contributes to clarity.

Timesavers

There are several timesavers that may be used in preparing a draft bill.

(1) Each section of a long bill may be placed on a separate sheet of paper until a cohesive draft is prepared. Sections can then be shuffled and rearranged with ease as research and construction proceed. Ideally, sections should not be numbered and internal references should not be filled in until the final arrangement is reached.

(2) Copies of any current statutes proposed for amendment may be taped to draft pages and deletions and new language indicated in red pen on the copy.

BILL DRAFTING RECORD BOOK INDEX

Bill request forms are filed in the Legislative Council Office, Room 138, State Capitol. These requests are assigned a Legislative Council (LC) number and are logged chronologically into a Bill Drafting Record Book. Included in each entry are the subject of the bill, the drafter's name, and the requestor's name. The LC number becomes the identifying number of the bill during the drafting and typing stages. Information from this book is then fed into the computer, producing three daily printouts: the Requestor list; the Subject list; and the Drafter list.

The Bill Drafting Record Book is kept in the office of the Director of Legal Services. The daily printouts are available for use in the Legislative Council main office, the Research Division offices, the Legal Division office, the Legislative Council Library, and the Public Information Office.

LC #	Bill #	Requestor	Subject	Drafter
0039		J. Subcom. Business	WA, BI--water reservations to state	
0071		Mazurek	BI--UCC revisions generally	Dave d.
0098		Harrington	MV, BI--New car "lemon law"	Greg
0099		Harrington	HS, BI, PD, HE--plumbing inspections; Bd. of Plumbers	Paul
0100		Harrington	HE, BI, PD--Electrical inspections; St. Elec. Bd.	Paul
0102		Corrections Force	IT, BI--O. of Highways, F.W.A.P.--purchase signs from prison	Paul
0119		Fabrega	BI, FT--Limit rule of 78ths	Greg
0120		Fabrega	BI, FT--Usury limit; regulated lenders	Greg
0121		Fabrega	BI, FT--Interest rate; installment sales	Greg
0122		Fabrega	BI, FT--Legal interest rate	Greg
0129		Code Commissioner	BI, LA, CC--Gen. revise laws relating to business and labor	Greg
0136		E. Smith	AG, AM, BI--Grain producer's lien	Cort
BILL_DRAFTING_RECORD_BOOK_INDEX				
Subject: Civil Act 1903				
1983 Legislature				
LC #	Bill #	Requestor	Subject	Drafter
0006		J. Subcom. Judiciary	CT, CV--Random assignment of judges	
0007		J. Subcom. Judiciary	CT, CV--Written request transcript	Lois
0036		J. Subcom. Judiciary	CT, CV--Diso./substitution of judges	Lois
0072		J. Subcom. Judiciary	CV, CT--Individual justice case dismissal; resolution	David
0073	Cancel	J. Subcom. Judiciary	CH, CT--Individual justice case dismissal; bill, crim.	David
BILL_DRAFTING_RECORD_BOOK_INDEX				
Subject: Code Commissioner Bills				
1983 Legislature				
LC #	Bill #	Requestor	Subject	Drafter
0128		Code Commissioner	CC, SA, LG, TX, RT--Gen. revise gov-related laws	Lee
0129		Code Commissioner	BI, LA, CC--Gen. revise laws relating to business and labor	Greg
0130		Code Commissioner	WF, EV, NR, MV, FG, CC--Gen. revise laws re. health, envir., & natural resources	David
0131		Code Commissioner	LE, CC--Internal references Gustafson rule	Cort
0132		Code Commissioner	FA, MI, CC--Parent-child relationship termination	Greg
0133		Code Commissioner	FA, MI, CC--"Infant" to "minor"	Greg
BILL_DRAFTING_RECORD_BOOK_INDEX				
Subject: Courts				
1983 Legislature				
LC #	Bill #	Requestor	Subject	Drafter
0003		J. Subcom. Judiciary	CT--Judge disqualification	Lois
0004		J. Subcom. Judiciary	CR, CT--Review of Const. & juris. questions, criminal	Lois
0006		J. Subcom. Judiciary	CT, CV--Random assignment of judges	Lois
0007		J. Subcom. Judiciary	CT, CV--Written request transcript	Lois
0014		J. Subcom. Judiciary	LG, CT--Grants to Dist. Courts; sunset extension	Lois

SAMPLE

INTERNAL REFERENCE LIST

The Internal Reference List is a computer-generated list of all Montana Code Annotated sections which refer to other MCA sections. This publication is used in bill drafting and provides the drafter with a quick source for finding all references to a certain section of the code in the event that such a section is to be repealed or amended.

This publication is free and available from the Legislative Council.

REFERENCES TO SECTION 1-1-202
1-11-101 3-1-605

REFERENCES TO SECTION 1-1-203
7-1-4121

REFERENCES TO SECTION 1-1-215
20-5-304 20-7-420 20-10-105 87-2-102

REFERENCES TO SECTION 1-1-216
3-1-302 20-1-307 20-25-306

REFERENCES TO SECTION 1-1-301
60-7-204

REFERENCES TO SECTION 1-2-112
7-32-4117 15-7-311 75-7-217

REFERENCES TO SECTION 1-4-102
28-2-905 70-20-202 72-11-304

REFERENCES TO SECTION 1-5-101
1-5-104

REFERENCES TO SECTION 1-5-103
1-5-104

REFERENCES TO SECTION 1-5-108
1-5-110 70-21-203

REFERENCES TO SECTION 1-5-109
1-5-110 70-21-203

SAMPLE

CODE SECTIONS AFFECTED LIST

Legislation that proposes to change the Montana Code Annotated is compiled and published in three different lists. These lists are generated in order to aid the drafter in avoiding conflicts, correcting redundancies, and solving problems. The lists are set up in the following manner:

- 1) Bills drafted and entered on the computer. The first list shows which code sections could be amended or repealed by **any** bill entered on the automated drafting system. Included in the entry is the LC number.
- 2) Introduced bills. A separate list is generated daily listing all code sections affected on **introduced** bills with their corresponding bill number. As bills are amended during the legislative process, the list is updated.
- 3) Enrolled bills. A third list is generated detailing all code sections affected by bills which have passed the legislature and have been sent to the Governor for his signature.

All three lists are available for use in the Council offices.

39-32-109	Amended	IC 0046/01
39-32-111	Repealed	IC 0046/01
46-8-113	Amended	IC 0033/01
46-8-114	Amended	IC 0033/01
46-8-201	Repealed	IC 0033/01
46-8-202	Repealed	IC 0033/01
46-18-901	Amended	IC 0002/01
46-18-903	Amended	LC 0002/01
46-18-904	Amended	LC 0002/01
46-18-905	Amended	LC 0002/01
46-20-104	Amended	IC 0002/01
46-20-302	Amended	LC 0007/01
46-20-702	Amended	LC 0004/01
53-21-116	Amended	LC 0033/01
53-24-302	Amended	IC 0033/01
69-4-603	Amended	IC 0005/01
80-11-206	Amended	IC 0040/01
80-11-221 through 80-11-223	Amended	LC 0040/01
80-11-224	Repealed	
	Amended	IC 0040/01

SAMPLE

BILLS

Each version of a bill, whether introduced, reported out of committee, passed by the chamber of origin, or approved by both chambers; plus all second-chamber amendments, are available for purchase through the Capitol basement Distribution Center.

The Legislative Council keeps one copy of each version of every bill on file in the Council main office. Other copies are distributed to the Public Information Office, state agencies, public libraries, and County Clerk and Recorder offices.

47th Legislature

LC 0052/01

1 BILL NO. _____

2 INTRODUCED BY _____

3 BY REQUEST OF THE INTERIM COMMITTEE ON CORRECTIONS POLICY

4 AND FACILITY NEEDS

5

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE THE LAW
7 RELATING TO GOOD TIME ALLOWANCE MORE RESTRICTIVE; AMENDING
8 SECTION 53-30-105, MCA."

9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 53-30-105, MCA, is amended to read:

12 "53-30-105. Good time allowance. (1) The department of
13 institutions shall adopt rules providing for the granting of
14 good time allowance for inmates employed in any prison work
15 or activity. The good time allowance shall operate as a
16 credit on his sentence as imposed by the court, conditioned
17 upon the inmate's good behavior and compliance with the
18 rules made by the department or the warden. The rules
19 adopted by the department may not grant good time allowance
20 to exceed:

21 (a) 10 days per month for inmates assigned within the
22 confines of the walls of the prison;

SAMPLE

SUBJECT INDEX

As bills are introduced into session, a subject index is compiled and printed. This index, updated daily, lists all introduced bills under standard subject headings. Using this tool, bill numbers can be easily located when only the subject of the bill is known.

The Subject Index is available for use in all Council offices. It can also be purchased at the Capitol basement Distribution Center. Price is set according to the number of pages (Joint Rule 8-8).

ADMINISTRATIVE RULES

Adoption

prevention when rule is substantially identical to defeated legislation, SB 292
requirements, revision, SB 181

Air quality emission standards regarding fluoride and particulate emissions,
repeal of conflicting rule, HJR 22

Cigarettes, sale of untaxed -- amendment to reduce paperwork concerning,
HJR 4

Economic impact statements, revision of requirements, SB 181, HB329, HB 586
Fluoride on forage, repeal of present and adoption of new standard, SJR 17

Hearings, notice requirements changed, HB 252

Legislative review, HB 39

Legislators, notice of hearings required when, HB 252

Omissions, HB 38

Register, omissions, HB 38

Repeal by administrative code committee, constitutional amendment for,
HB 496

Revision and clarification of provisions, HB 74

Suspension

legislature, by poll of -- constitutional amendment for, HB 40
temporary, by administrative code committee, SB 273

ADOPTION

Records, revision of laws generally, SB 245

Relinquishment and placement of children without agency involvement, SB 267

Revision of provisions, SB 267

Uniform Adoption Act, revision, SB 267

ADVERTISING

Drug paraphernalia, a criminal offense, HB 300

Handicapped persons, parking permit provisions for, SB 79

Housing, discrimination laws to conform to federal requirements, SB 57

Outdoor, See OUTDOOR ADVERTISING

Pregnancy, adverse effects of alcohol and certain over-the-counter
drugs, HJR 6

SPONSOR LIST

Like the Subject Index, the Sponsor List is updated daily during the bill introduction period. The Sponsor List is an alphabetical list of legislators, boards, committees and executive departments with their proposed bill numbers. Each bill must have a legislative sponsor, but can be introduced at the request of these other groups. Both parties are reflected in this list.

The Sponsor List is available for use in the Council main office, Room 138, or it can be purchased in the Capitol basement Distribution Center. Price is set according to the number of pages.

SPONSOR LIST OF LEGISLATION

Compiled by Legislative Council
January 5, 1981

BOARD OF PLUMBERS

HB 61

BOYLAN, SEN. PAUL F.

BRAND, REP. JOE

HB 36, HB 37, HB 44

BRIGGS, REP. G.H.

HB 65

BROWN, SEN. BOB

SB 19, SB 46, SB 53, SB 54, SB 55, SB 56, SB 57

BROWN, REP. DAVE

BROWN, SEN. STEVE

SB 27, SB 34, SB 35, SB 42, SB 43, SB 59

BURNETT, REP. JAMES H.

HB 87

CODE COMMISSIONER

SB 33, SB 36

COMMITTEE ON ANNEXATION LAWS

SB 35

HB 33, HB 54, HB 55, HB 56, HB 57, HB 58, HB 59

COMMITTEE ON BRANCHING OF FINANCIAL INSTITUTIONS

SB 2, SB 5

COMMITTEE ON CORRECTIONS POLICY AND FACILITY NEEDS

SB 8, SB 10, SB 14

SAMPLE

HEARING CALENDARS

Hearing calendars are compiled and distributed by the Public Information Office. The calendar includes the committee name, meeting date and time, and a short listing of all bills which will be heard for each house. Additional copies are available from the Secretary of the Senate and Chief Clerk of the House.

The calendars are free and are available by mid-morning of each legislative day.

HEARING CALENDAR

January 21, 1982

HOUSE

Agriculture	12:30p.m.	Room 436
HB 320	Requiring sheep shearers to be vaccinated for cow pox.	
HB 642	Requesting that the government payoff to peanut farmers be increased to \$37,000,000 and requiring an immediate effective date.	
Education	1:30p.m.	Room 129
HB 120	An act removing the requirement that old maid school teachers may entertain gentlemen callers, other than their fathers or their brothers, after 6 p.m.	

SENATE

Finance and Claims	8:00a.m.	Room 108
HB 32	Appropriating \$42,000 to the Capitol renovation for an employees lounge.	
Judiciary	10:00a.m.	Room 331
SB 42	An act removing all references in the code to the terms attorney or lawyer or barister.	
SB 400	Requiring all Justice of the Peace to be lawyers.	

HOUSE AND SENATE CALENDARS

The Secretary of the Senate and Chief Clerk of the House prepare the daily calendars of bills to be heard by their respective Committee of the Whole. The calendar lists the bill number, committee which heard the bill, chief sponsor, short title, and, when necessary, which report is to be considered (C.C.—Conference Committee; S.A.—Senate amendments).

This publication is free and is available from the Public Information Office, the Secretary of the Senate, or the Chief Clerk of the House:

BILLS ON 2ND READING

C.C. SB 325	(SA)	STEPHENS (DUSSAULT)	REVISING THE SALARY SCHEDULE OF A YOUTH COURT PROBATION OFFICER.
C.C. HB 212	(JU)	KEEDY	TO CLARIFY PROCEDURE WHEN MENTAL COMPETENCY OF THE ACCUSED IS AT ISSUE....
F.C.C.HB 558	(SA)	D. BROWN	TO REVISE THE COMPENSATION PROVISIONS RELATING TO DEPUTY SHERIFFS AND UNDERSHERIFFS...
F.C.C.HB 652	(NR)	CONROY	TO REMOVE THE PROHIBITION OF DISPOSAL OF CERTAIN RADIOACTIVE MATERIALS ENACTED BY INITIATIVE 84....
S.A. HB 33	(LG)	AZZARA	TO PROVIDE FOR MUNICIPAL ANNEXATION OF HIGH-DENSITY LAND UNDER CERTAIN CONDITIONS.
G.A.HB 97	(SA)	FEDA	TO CLARIFY AND REVISE THE DEFINITIONS AND THE PROCEDURES FOR REFUNDING MEMBERS' CONTRIBUTIONS, ETC., USED IN THE MONTANA STATE GAME WARDENS' RETIREMENT SYSTEM.
G.A. 507	(LG)	AZZARA	TO ALLOW THE REMAINING TRANSPORTATION BOARD MEMBERS TO FILL VACANCIES ON THE TRANSPORTATION BOARD....
G.A.HB 702	(BI)	WINSLOW	TO LIMIT THE MAXIMUM FEE THAT THE DEPARTMENT OF ADMINISTRATION CAN CHARGE FOR RECEIVING AND PROCESSING ELEVATOR CONDITION REPORTS.
G.A.HB 765	(LG)	DONALDSON	TO PROVIDE FOR MUNICIPAL REGULATION OF MUNICIPALLY OWNED UTILITIES....

BILLS ON 3RD READING

S.A.HB 233	(SA)	MOORE	TO SUBMIT TO THE ELECTORS AN AMENDMENT TO THE MONTANA CONSTITUTION TO ADD A SECTION AUTHORIZING A PERMANENT LEGISLATIVE COMMITTEE WITH AUTHORITY OVER STATE FISCAL MATTERS....
------------	------	-------	--

SAMPLE

VOTES

During the session, original copies of floor votes are kept by the Secretary of the Senate or the Chief Clerk of the House. Duplicates of these votes are available for use in the Council main office and the Public Information Office. Original votes are transferred to the Secretary of State's office upon adjournment. The votes are compiled and published in the House and Senate Journals and the Combined Final Status.

Committee votes are available from the Public Information Office or the committee secretaries during the session. After adjournment, the committee minutes and votes are sent to the Montana Historical Society. Copies of the minutes are available from the Legislative Council Library and the State Law Library.

HSN: 422

MONTANA SENATE
SB 352

47TH SESSION

2/18/81 3:29 PM

49 YEARS 0 NAYS 1 EXC 0 N/U

PS 3RD

Y	AKLESTAD	Y	GALT	Y	KEATING	Y	RFGAN
Y	ANDERSON	Y	GODDOVER	Y	KOLSTAD	Y	RYAN
Y	BERG	Y	GRAHAM	Y	LEE	Y	SEVERSON
Y	BLAYLOCK	Y	HAFFERMAN	Y	MANLEY	Y	SMITH
Y	BOYLAN	Y	HAFFEY	E	MANNING	Y	STEPHENS
Y	BROWN, B.	Y	HAGER	Y	MAZUREK	Y	STIMATZ
Y	BROWN, S.	Y	HALLIGAN	Y	MCCALLUM	Y	STORY
Y	CONOVER	Y	HAMMOND	Y	NELSON	Y	THOMAS
Y	CRIPPEN	Y	HAZELBAKER	Y	NORMAN	Y	TOWE
Y	DOVER	Y	HEALY	Y	OCHSNER	Y	TWEIT
Y	ECK	Y	HIMSL	Y	O'HARA	Y	VAN VALMENBURG
Y	ELLIOTT	Y	JACOBSON	Y	OLSON	Y	TURNAGE, PRES.
Y	ETCHART	Y	JOHNSON				

SAMPLE

STATUS OF INTRODUCED BILLS

During the session, a Daily Senate Status and a Daily House Status are printed. Each status gives a summary of activity in that house, including the number of bills and resolutions introduced, transmitted, killed, or signed by the Governor. The daily status also shows the bill number with sponsor, short title, latest location in the legislative process, and hearing date.

STATUS OF HOUSE BILLS

HELENA, MONTANA
JANUARY 19, 1981

OFFICE OF CHIEF CLERK
CAPITOL BUILDING

13TH LEGISLATIVE DAY

Number of House Bills Introduced: 351
Number of House Joint Resolutions Introduced: 12
Number of House Resolutions Introduced: 1
Number of House Bills Transmitted to Senate: 33

House Bills Killed: 10
House Joint Resolutions Killed: 0
House Resolutions Killed: 0

House Bills Signed by Governor: 0
House Joint Resolutions Passed: 0
House Resolutions Adopted: 1

Senate Bills in House: 15
Senate Joint Resolutions in House: 0

HOUSE BILLS			
NO.	AUTHOR	SUBJECT	REFERRED TO
1	LUND	APPROPRIATING MONEY FOR THE OPERATION OF THE FORTY-SEVENTH LEGISLATURE.....	DELIVERED TO GOVERNOR 1/9
2	MARKS	TO DESIGNATE THE OFFICERS OF SENATE AND HOUSE OF REPRESENTATIVES.....	RULES HEARING 1/9
3	SPILKER	TO ELIMINATE REQUIREMENTS THAT CITIES MUST PAY 100% OF PREMIUM FOR INSURANCE COVERAGE FOR FIREFIGHTERS AND POLICEMEN.....	TRANSMITTED TO SENATE 1/13 LCC. GOV.
4	KEFDY, KEYSER, ANDERSON, ET AL	TO ELIMINATE PROVISION THAT AN OFFENDER SERVING A TIME SENTENCE MAY BE PAROLED AFTER SERVING 17 1/2 YEARS.....	JUDICIARY HEARING 1/4
5	YARDLEY	TO PROVIDE A PLEA AGREEMENT PROCEDURE.	JUDICIARY HEARING 1/9
6	KCEDY, KEYSER, MOORE, ET AL	TO ALLOW THE STATE TO REQUEST AN APPELLATE REVIEW OF THE DISPOSITION OF A CRIMINAL CASE....	PASSED 2ND READING 1/19, ENGROSSING

SAMPLE

An Expanded Status, showing the history of all bills, is available through computer terminals in the Senate and House lobbies. This Expanded Status includes the bill number, sponsor, short title, and the following information for both chambers; if applicable:

- 1) date introduced
- 2) fiscal note required
- 3) name of committee referred to
- 4) date of referral
- 5) hearing date
- 6) committee vote
- 7) date reported out of committee
- 8) second reading date
- 9) vote on second reading
- 10) third reading date
- 11) vote on third reading
- 12) date of transmittal to other house
- 13) conference committee hearing date
- 14) conference committee vote
- 15) date of transmittal to Governor
- 16) signature or veto
- 17) chapter of Session Laws, if signed or passed without signature

Following the session, the Expanded Status is combined with the Sponsor List and the Subject Index and is published under the title **Combined Final Status**. This book, greatly expanded in 1981, provides the most complete index to the actions of the legislature.

SB 60 -- ELLIOTT -- SUBJECTING FEES FOR CERTAIN MEDICAL SERVICES TO REGULATION BY DIVISION OF WORKERS' COMPENSATION.
PREFILED AND REFERRED TO COMMITTEE ON LABOR AND EMPLOYMENT
RELATIONS: 12/30/80
HEARING: 1/8
REPORT: 1/21, DO PASS AS AMENDED
2ND READING: 1/23, YEAS: 36; NAYS: 9
3RD READING: 1/26, YEAS: 47; NAYS: 2

TRANSMITTED TO HOUSE: 1/26
REFERRED TO COMMITTEE ON BUSINESS AND INDUSTRY: 1/27
HEARING: 3/5
REPORT: 3/5, BE CONCURRED IN
2ND READING: 3/9, YEAS: 71; NAYS: 3
3RD READING: 3/11, YEAS: 90; NAYS: 3

RETURNED TO SENATE: 3/11

TRANSMITTED TO GOVERNOR: 3/16/81
ACTION: 3/19, SIGNED
CHAPTER 90

SB 61 -- ELLIOTT -- TO REPEAL CLASS SIX PROPERTY TAXATION.
FISCAL NOTE: REQUIRED
PREFILED AND REFERRED TO COMMITTEE ON TAXATION: 12/30/80
FAILED TO MEET TRANSMITTAL DEADLINE: 4/6 — DIED

SAMPLE

HOUSE AND SENATE JOURNALS

The House and Senate Journals provide a record of all actions taken on bills and resolutions introduced into the session. The journals are printed daily during the session and they set forth the text of communications between houses, committee reports, transmittal correspondence to and from the executive, plus votes on motions, amendments, and bills. The journals are not verbatim and do not contain a transcript of debate in the Committee of the Whole. Also, the journals do not contain the text of proposed amendments which are not adopted. These proposed amendments can be obtained from the Montana Historical Society.

The index to the journals is two part. Included is a complete subject index, plus a list of each bill followed by page numbers from the journals indicating where that bill was considered. Bold face type indicates pages where votes occur.

The daily journals can be purchased from the Distribution Center in the Capitol basement. The bound, seven-volume set, (three Senate, three House and one index), is available from the Legislative Council. The journals are also furnished free of charge to each County Clerk and Recorder, the State Library, and the State Law Library, with the understanding that these volumes be made available to the public.

HOUSE BILLS

113

- 70 Introduced by Pavlovich: A bill for an act entitled: "An act amending section 27-6-206, MCA, to exempt health care providers not in private practice from payment of the medical malpractice panel assessment."

House Page No. 16, 26, 49, 790, 831, **891, 892, 897, 915, 1573, 1743, 1750, 1751, 1834, 1932, 1951, 1989, 2185, 2193, 2199.**

Senate Page No. 674, 682, 1050, 1156, 1179, **1240, 1241, 1256, 1407, 1410, 1538, 1540, 1777, 1796.**

- 72 Introduced by Harper: A bill for an act entitled: "An act setting the date for the primary election and for the presidential preference primary election; amending sections 13-1-107 and 13-10-401, MCA; and repealing section 13-10-402, MCA."

House Page No. 16, 53, 57, 73, 80, **88.**

SAMPLE

PROCEEDINGS

EIGHTY-FIRST LEGISLATIVE DAY

1459

The Senate Amendments to the following House Bills were on 4/10/81, concurred in:

Senate Amendments to House Bill No. 415, introduced by Sivertsen (94-0)

Senate Amendments to House Bill No. 654, introduced by Menahan (91-0)

The following House Joint Resolution was on 4/10/81, passed and transmitted to the Senate for concurrence:

House Joint Resolution No. 61, introduced by Waldron (86-8)

MOTIONS

Senator Lee moved that the Senate reconsider its action taken on rejecting the House Amendments to Senate Bill No. 392. Motion carried by the following vote:

Ayes: Berg, Blaylock, Boylan, B. Brown, S. Brown, Crippen, Eck, Galt, Goodover, Graham, Hafferman, Hager, Halligan, Himsel, Johnson, Kolstad, Lee, Manley, Manning, Mazurek, Nelson, Ochsner, O'Hara, Ryan, Severson, Smith, Story.

Total 27

Noes: Aklestad, Anderson, Conover, Elliott, Etchart, Haffey, Hammond, Hazelbaker, Healy, Jacobson, Keating, McCallum, Norman, Olson, Regan, Stephens, Stimatz, Tveit, Van Valkenburg, Mr. President.

Total 20

Excused: Thomas, Towe.

Total 2

Absent or not voting: Dover.

Total 1

Senator Stephens moved, duly carried, that the House Amendments to Senate Bill Nos. 139, 270, 272, 287, 288, 305, 335, 347, 362, 381, 442, 449, 458, 463, 475, 479, and 480 be placed on Third Reading this day.

FIRST READING OF BILLS

The following House Joint Resolution was introduced, read first time and referred to committee:

HJR 61, introduced by Waldron, Holliday, Hurwitz, Fabrega, Roush, Bertelsen, Devlin, Switzer, Iverson, Bardanouye, Roth, Kitselman, Dozier, Asay, Kimmis, Dussault, Shontz, Kessler, McBride. Referred to Committee on Local Government.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

Senate Joint Resolution No. 34 was passed by the following vote:

Ayes: Anderson, Berg, Blaylock, Boylan, B. Brown, Conover, Crippen, Eck, Elliott, Etchart, Galt, Goodover, Graham, Hafferman, Haffey, Hager, Halligan, Hazelbaker, Healy, Himsel, Jacobson, Johnson, Keating, Kolstad, Lee, Manley, Manning, Mazurek, McCallum, Nelson, Norman, Ochsner, O'Hara, Olson, Regan, Ryan, Severson, Smith, Stephens, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.

Total 45

SAMPLE

LEGISLATIVE REVIEW

Following a session, the Legislative Council first publishes the Legislative Review. This publication gives a brief summary of each bill or resolution which passed both houses and was signed by the Governor. The Legislative Review is organized by chapter numbers of the Session Laws and gives the bill number, chief sponsor, summary of provisions, effective date, date signed by the Governor, and MCA sections affected by passage. Appropriations bills and resolutions are listed separately. A subject index, code sections affected list, chapter number to bill number and bill number to chapter number tables, and effective date tables are included for easy access.

The Legislative Review is free to subscribers of the Montana Code Annotated. Nonsubscribers were charged \$6.00 in 1981.

Chapter No.	Bill No.	Chief Sponsor	Effective Date	Date Signed By Governor
<u>Summary of Provisions</u>				
1	HB 32	Marks By request of the Legislative Council	1/29/81	1/29/81
Relates to compensation of members of the Legislature serving on Legislative committees when the Legislature is not in session.				
		Amends: 5-2-302		
2	HB 77	Harper By request of Department of Labor and Industry	10/1/81	2/2/81
Eliminates the penalty for late unemployment contribution reports.				
		Amends: 39-51-1301		
3	HB 49	Gould By request of Department of Labor and Industry	10/1/81	2/10/81
Limits the experience rating computation of employers to the most recent 3 fiscal years ending September 30 of each year, and adjusts accordingly time requirements involving experience rating requirements.				
		Amends: 39-51-1121, 39-51-1213, 39-51-1214, 39-51-1215, 39-51-1217		

SAMPLE

SESSION LAWS

The complete text of each bill and resolution passed by the legislature and signed by the Governor during a session is published in hard-cover under the title: Laws of Montana 198-. The set is popularly referred to as the "Session Laws". Each bill, excluding appropriations bills which do not receive chapter numbers, is given a chapter number by the Secretary of State's office upon receipt of the signed copy from the Governor. Chapter numbers are assigned chronologically, with Chapter 1 being the first bill passed and signed.

The full text of all initiatives, referendums, and constitutional amendments approved by the voters during the interim also appears in the Session Laws.

The following state institutions receive a copy of the Session Laws free of charge: 1) the State Library; 2) the Montana Historical Society; 3) the State Law Library; 4) the offices of the County Clerk and Recorder, County Attorney, and the Clerk of District Court; 5) custodial institutions; 6) university and community college libraries; 7) and most large public libraries.

In 1981, individual subscriptions rates were \$75.00 per set. The public may request to be placed on a permanent subscription list to receive the Session Laws as soon as they are available.

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MONTANA SESSION LAWS CHAPTER 78

CHAPTER NO. 78

AN ACT TO PERMIT THE DEPARTMENT OF REVENUE TO ACCEPT A CASH COMPLIANCE BOND FOR TEMPORARY OPERATION BY A SPECIAL FUEL USER AND REQUIRING THE USER TO OBTAIN A PERMANENT BOND OR FORFEIT THE TEMPORARY BOND.

Be it enacted by the Legislature of the State of Montana:

Section 1. Temporary cash compliance bond. (1) A special fuel user subject to the licensing requirements of this part may obtain a temporary 30-day operating permit by posting a \$100 cash compliance bond on each vehicle at any weigh station, or with any person authorized by the department of highways to issue a cash compliance bond.

(2) If the user files the bond required by 15-70-304, files a special fuel tax return for the 30-day period, and otherwise complies with the requirements of this part, the \$100 payment received for the temporary permit must be returned to the user. If the user fails to file the bond required by 15-70-304 or the special fuel tax return for the 30-day period or fails to comply with the requirements of this part, the \$100 payment is forfeited to the state.

(3) The temporary permit is issued subject to the same restrictions and requirements as the annual permit.

SAMPLE

MONTANA CODE ANNOTATED

The Montana Code Annotated is published in two parts: the Code and the Annotations to the Code.

The Montana Code is the systematic arrangement of all permanent state statutes (laws) currently in force in Montana. An entry includes the statute text and history, plus the compiler's comments and cross-references to related code provisions. A new edition is printed every odd-numbered year with new laws added, repealed laws deleted, and amended statutes updated. The Code Commissioner's staff is responsible for this codification process.

The Code is available for purchase in the Legislative Council main office. In 1981, the 10-volume, soft-cover set sold for \$150.00. Individual volumes sold for \$15.00 each. The code is available on microfiche for \$6.00. Certain titles are printed in pamphlet form when the demand is great. These pamphlets range in price from \$3.00 to \$6.00 each.

The second part of the MCA, the Annotations, incorporate background materials relating to the statutes, including pertinent official comments, compiler's comments, references to administrative rules, case notes, digests of Attorney General's opinions, citations to law review articles, bar publications, and legal encyclopedias. An explanation of each of these items is found in the preface of Volume I of the Annotations.

The Annotations are published in a loose-leaf format and in 1982, sold for \$245.00 for individuals, \$205.00 for governmental agencies.

CODES

Part 1

General Provisions — Definitions

32-1-101. Short title — application. Parts 1 to 5, inclusive, of this chapter shall be known as the "Bank Act" and shall be applicable to all corporations and persons specified in 32-1-102 and to such other corporations as shall subject themselves to special provisions and sections thereof and to such other persons, partnerships, or corporations who shall by violating any of its provisions become subject to the penalties provided therein.

History: En. Sec. 1, Ch. 89, L. 1927; re-en. Sec. 6014.1, R.C.M. 1935; R.C.M. 1947, 5-101.

32-1-102. Institutions to which chapter is applicable. (1) The word "bank" as used in this chapter means any corporation which has been incorporated to conduct the business of receiving money on deposit or transacting a trust or investment business, as defined in this chapter.

(2) The soliciting, receiving, or accepting of money or its equivalent on deposit as a regular business is doing a commercial or savings bank business, whether such deposit is made subject to check or is evidenced by a certificate of deposit, a passbook, a note, or other receipt, provided that nothing herein applies to or includes money or its equivalent left in escrow or left with an agent pending investment in real estate or securities for or on account of his principal.

(3) It is unlawful for any corporation, partnership, firm, or individual to engage in or transact a banking business within this state except by means of a corporation duly organized for such purpose.

ANNOTATIONS

CHAPTER 1 BANKS AND TRUST COMPANIES

Chapter Cross-References

Requirements of bank acting as depository for consolidated city and county government, 7-3-1316 through 7-3-1320.

Requirements of bank acting as depository for counties, cities, or towns, 7-6-201 through 7-6-209.

Special proceedings involving banks that are not subject to the Montana Rules of Civil Procedure, Rule 81(a), M.R.Civ.P. (see Title 25, ch. 20); 32-1-516; 32-1-532; 32-1-538.

Actions against banks — limitations, 27-2-213.

Bank or trust company as trustee for mausoleum-columbarium endowment fund, 35-21-610.

Part 1

General Provisions — Definitions

32-1-101. Short title — application.

Cross-References

Penalty for transacting business without certificate, 32-1-403.

Building and loan associations, Title 32, ch. 2.

Credit unions, Title 32, ch. 3.

Collateral References

Banks and Banking ↗ 4.

9 C.J.S. Banks and Banking § 6.

10 Am. Jur. 2d Banks § 8.

32-1-102. Institutions to which chapter is applicable.

Cross-References

Agency, Title 28, ch. 10.

U.C.C. — "bank" defined, 30-1-201.

Consolidation or merger of banks, 32-1-371.

Penalty for transacting business without certificate, 32-1-403.

Dissolution, closing, and liquidation — "bank" defined, 32-1-561.

Permissible purposes for incorporation, 35-1-107.

Case Notes

Effect of Incorporation: A corporation which applied to the Montana Superintendent of Banks (now State Banking Board) for an authorization became a bank the date on which the application was granted by the Superintendent although it did not commence a banking business until later. *First Nat'l Bank in Billings v. First Bank Stock Corp.*, 197 F. Supp. 417 (D.C. Mont. 1961), affirmed in 306 F2d 937 (9th Cir. 1962).

Collateral References

Banks and Banking ↗ 2, 4.

INTERIM DIRECTORY OF LEGISLATIVE COMMITTEES

The Interim Directory of Legislative Committees summarizes each resolution calling for a legislative study. It also lists the members of each committee along with the Legislative Council staff assigned to that committee.

The directory also lists:

- 1) members of the statutory committees receiving Legislative Council staff assistance;
- 2) members of the permanent legislative committees;
- 3) Montana's legislative representatives on the Council of State Government and National Conference of State Legislature committees;
- 4) membership on other committees associated with the legislature.

STUDY COMMITTEE ON CORRECTIONS POLICY AND FACILITY NEEDS

Study Resolution:

HJR 65 and HJR 59

The Study Committee on Corrections Policy and Facility Needs has been assigned to study Montana's overall correction policy and the related prison needs. The Committee has been charged to consider at least the following: the prison release and furlough programs; prerelease programs and facilities; questions about the maximum size of a prison facility that should be built in one location; the proper use of community and forest work camp programs and the relationships of such programs to prison needs; the long-term need for prison facilities in the state; the long-term needs for juvenile correction and evaluation facilities; and the health care of prisoners. The Committee is also charged to study sentencing of convicted criminal defendants and to determine if uniformity in sentencing is a desirable goal for sentencing throughout Montana. An additional charge to the Committee is to consult with the Department of Institutions in the development of the comprehensive plans set forth in HB 483 relating to the appropriations of \$3 million as set forth in item 7 of the appropriations to the Department's central office.

Study Committee Membership:

Sen. Bob Brown
Sen. Stan Stephens
Sen. Thomas Towe
Sen. Fred Van Valkenburg

Rep. Budd Gould
Rep. Andrea Hemstad
Rep. Michael Keedy
Rep. Dan Yardley

Staff:

Kathleen Harrington
Dennis M. Taylor

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INTERIM STUDY FINAL REPORTS

The Legislative Council prepares and publishes all final reports of the joint subcommittees of legislative standing committees. The reports contain a copy of the joint resolution requesting the study, committee membership and staff, actions, findings and recommendations, plus any proposed legislation to be brought before the legislature.

Final reports are free and available from the Legislative Council. A bibliography of research publications is found in the **Introduction to the Montana Legislative Council**.

FINDINGS AND CONCLUSIONS

The Committee on Corrections Policy and Facility Needs found that:

- 1) There appears to be no immediate need for additional residential facilities at Montana State Prison; should the prison population increase so as to require additional facilities, careful consideration should be given to residential alternatives outside the prison;
- 2) Work rehabilitation and job training should be considered as worthwhile alternatives; and
- 3) The Committee views with alarm the increased incarceration rates recently experienced in Montana.

SUMMARY OF RECOMMENDATIONS - CORRECTIONS

The Committee on Corrections Policy and Facility Needs recommends to the 47th Legislature:

- 1) That the Correctional Needs Report from the Department of Institutions be commended to the 47th Legislature for their consideration; and
- 2) That this state make a major commitment to adult probation and parole.

SUMMARY OF RECOMMENDATIONS - SENTENCING

The Committee on Corrections Policy and Facility Needs recommends to the 47th Legislature:

- 1) That plea bargaining be an open process with a written record;
- 2) That the state be allowed to request an appellate review of a legal or a deferred sentence;
- 3) That the maximum period for deferred imposition of a sentence for a felony be increased from 3 to 5 years;
- 4) That fines and assessment of costs in felony criminal cases be allowed and community service as a condition of deferred or suspended sentence be allowed;
- 5) That additional sentences for crimes committed with a dangerous weapon run consecutively with the sentence provided for that offense;
- 6) That there be increased punishment of persons who have been convicted of three separate felonies;

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The INTERIM

The Interim is a newsletter published by the Legislative Council the first Friday of each month during the period between sessions. It gives a summary of activities of the interim study and permanent legislative committees. It is published for legislators, their staff, agencies, and state government department heads.

The publication is available to legislators and to the public from the Council while supplies last. There is a nominal charge for mailed copies.



NOVEMBER 1982

VOL. III, NO. 18

INTERIM COMMITTEES

FISH AND GAME

FINAL RECOMMENDATIONS DECIDED

The Joint Subcommittee on Fish and Game held its final meeting of the interim on October 14. The meeting was primarily a work session to develop the Committee's final report.

A contingent from Cooke City testified that the "bear problems" being reported in their city were not very significant. They requested more cooperation from the Department of Fish, Wildlife, and Parks.

The Committee made several formal "findings" regarding the Department's staffing, management and land acquisition policies. A recommendation to increase the number of wardens to 95 was adopted. Bill drafts to be included in the report pertain to amending the statutes regulating outfitters, and to amending the code sections restricting Fish, Wildlife, and Parks employees from testifying before the Legislature.

The final report should be available in December.

BUSINESS

RECOMMENDATIONS SET IN OCTOBER MEETING

October was an active month for the Joint Subcommittee on Business. It co-sponsored the Forum on Environmental Regulation and the Economy with the EQC on October 4 and 5. The Forum was very productive and quite a success.

The Committee also held its final meeting on October 6 in Helena. Contents and format for the final report were the main order of business. The Committee adopted about a

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